

TO: EIIP TEAM



From: smb

Subject: Consultant Participation on EIIP Committees

At the recent EIIP Technical meeting, the issue of consultant participation on Committees was raised. The question relates to a contractor's potential for performing work if they have participated on the group that planned the projects. I have followed up with E. Caldwell of the EPA Contracts Management Division and the following advice is offered.

Any consultant contemplating participation on a Committee should inform their company contracting specialists and describe possible conflicts. Company officials should understand that the Committee planning the work will also be funding the projects. The company contract specialist should inform the EPA contracting officer of potential conflicts and how the company plans to prevent them from occurring.

Two alternatives to actual consultant membership on a Committee should be considered. Since some consultants have more experience than either State/local or EPA personnel in certain areas, their expertise should be used. They could be invited to appear before the Committee or submit technical information to the Committee that would help with planning future tasks. Since they would not actually be involved with any decisions on what projects are to be funded or the amount to be allocated, they would not be in a potential conflict of interest situation. Yet the Committee would have access to their knowledge.

The second approach to involving consultants in Committee work would be to have them act as external reviewers of committee plans and products. The Committee would have the option to accept consultant reviewer's comments as appropriate, but the consultant would not be in a position to unfairly influence decisions of the Committee. Consultant's comments would be only one of several that the Committee would consider.

In the unlikely event that a new contract (instead of an exiting level of effort contract) is needed to accomplish a task, we should take extra care to exclude consultants from the discussion. This will prevent the contractor, or ourselves, from being put in an awkward position regarding inside information on upcoming procurement actions.



Everyone should be careful so that we do not discover "after the fact" that consultants have put themselves in a conflict of interest position by participating on a Committee. We must insure that all contractors interested in performing work to support EIIP remain eligible to do so. If you have questions, please call me and we can discuss with the EPA contracting officers.

cc:

E.Caldwell